

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

HARD DRIVE PRODUCTIONS, INC.

Plaintiff,

v.

DOES 1 – 21,

Defendants.

Case No. 4:11-cv-00059-SEB-WGH

Judge: Sarah Evans Barker
Magistrate: William G. Hussmann, Jr.

**MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION, OR, IN THE
ALTERNATIVE TO SEVER OR TO QUASH
SUBPOENA FOR PRODUCTION OF
PERSONALLY IDENTIFIABLE
INFORMATION TO COMCAST CABLE
HOLDINGS, LLC**

Doe Defendant, identified by the Internet Protocol (“IP”) address 98.223.142.223, (“Alleged Doe”), by and through his/her attorneys, hereby moves this Court to dismiss the claims against Alleged Doe for lack of personal jurisdiction, or, in the alternative, to sever the claims against Alleged Doe pursuant to Federal Rule of Civil Procedure 21 or to quash the subpoena (“Subpoena”) served by Hard Drive Productions, Inc. (“Hard Drive”) on Comcast Cable Holdings, LLC (“Comcast”) pursuant to Federal Rule of Civil Procedure 45(c)(3)(A). Specifically, Alleged Doe states as follows:

1. This Court does not have personal jurisdiction over Alleged Doe because Alleged Doe is not a resident of this State and does not have minimum contacts with this State sufficient for this Court to exercise personal jurisdiction over Alleged Doe.
2. The claims against Alleged Doe have been misjoined with the claims against Does 1-21 because the claims against all Defendants, and against Alleged Doe in particular, do not arise out of the same transactions, occurrences, or series of transactions or

occurrences as required by Federal Rule of Civil Procedure 20(a)(2)(A). As such, Alleged Doe respectfully requests that the claims against Alleged Doe be severed and that Alleged Doe be dropped from the action.

3. The Subpoena served on non-party Comcast seeking the personally identifiable information of Alleged Doe seeks protected matter and is unduly burdensome in contravention to Federal Rules of Civil Procedure 45(c)(3)(iii) and (iv). As such, Alleged Doe respectfully requests that the Subpoena be quashed.

In support of his/her motion, Alleged Doe submits the accompanying Memorandum in Support of Defendant's Motion to Dismiss for Lack of Personal Jurisdiction, or, in the alternative, to Sever or to Quash Subpoena for Production of Personally Identifiable Information to Comcast Cable Holdings, LLC, as well as a proposed Order dismissing Alleged Doe from the instant action. In the event that this Court decides, in the alternative, to sever or to quash the Subpoena, Alleged Doe will prepare a proposed Order so indicating at the request of the Court.

DATED: July 18, 2011.

Respectfully submitted,

DOE DEFENDANT (IP ADDRESS 98.223.142.223)

By: /s/ Shannon T. Harell
One of His/Her Attorneys

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CERTIFICATE OF SERVICE

Shannon T. Harell, an attorney, hereby certifies that a true and correct copy of the foregoing *Defendant Doe's (IP Address 98.223.142.223) Motion to Dismiss for Lack of Personal Jurisdiction, or, in the alternative, to Sever or to Quash Subpoena for Production of Personally Identifiable Information to Comcast Cable Holdings, LLC* was served upon the following-named persons, via Electronic Notice for Registrants of the Case Management/Electronic Case Filing System of the United States District Court for the Southern District of Indiana, on July 18, 2011:

Steele Hansmeier PLLC
161 North Clark Street, Suite 4700
Chicago, Illinois 60601

/s/ Shannon T. Harell